

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

FRANCISCO ALMEIDA-LEÓN,)
et al.,)
)
Plaintiffs,)
)
)
v.) No. 3:16-cv-01394-JAW-BJM
)
WM CAPITAL MANAGEMENT,)
INC.,)
)
Defendant.)

STATUS ORDER

On September 15, 2021, this Court issued a temporary restraining order (TRO) against Francisco Almeida-León, Wanda Cruz-Quiles, their Conjugal Partnership, Juan Almeida-León, and Tenerife Real Estate Holdings, LLC (the Almeida-Leóns). *Order on Mot. for TRO* (ECF No. 509); *TRO* (ECF No. 510) (*TRO*). In its September 15, 2021 TRO, the Court ordered the Almeida-Leóns to “present any opposition to WM Capital’s motion for permanent injunction” by September 22, 2021 and ordered that the TRO “will remain in effect until September 29, 2021 pending further order of this Court.” *TRO* at 3. On September 22, 2021, the Almeida-Leóns filed a motion in compliance with the Court’s TRO. *Mot. in Compliance with Order About Improvident TRO Against State Ct. and Pls.* (ECF No. 511) (*Almeida-León Opp’n*). The Court received and reviewed the Almeida-Leóns’ submission.

The Court is issuing this Status Order to clarify the disposition of the remaining motion before the Court.¹ With the Almeida-Leóns' September 22, 2021 motion, the Court has WM Capital Management, Inc.'s motion for permanent injunction, *Emer. Mot. for Issuance of TRO and Permanent Inj.* at 1-31 (ECF No. 502), and the Almeida-Leóns' opposition to that motion. *Almeida-León Opp'n* at 1-28.

No party has suggested that the Court should hold an evidentiary hearing to resolve the pending motion for permanent injunction and in the unique circumstances of this case where the significant facts are a matter of public record, the Court does not see the need for an evidentiary hearing. In their opposition, the Almeida-Leóns filed an unsworn statement, signed by Francisco Almeida-León and Wanda Cruz-Quiles, and certain exhibits. *Almeida-León Opp'n*, Attach. 1, *Unsworn Statement Under Penalty of Perjury Per 28 U.S.C. § 1746*. In their reply, the Court requests WM Capital to address whether it objects to the Court's consideration of the Almeida-Leóns' unsworn statement and whether it wishes to present any further evidence for purposes of the Court's decision on the pending motion for permanent injunction. At this point, absent a request from the parties to the contrary, the Court intends to rely on the record before it, including the Almeida-Leóns' unsworn statement and exhibits, in ruling on the pending motion for permanent injunction. If any party

¹ Just before this Court was about to issue this Status Order, WM Capital filed a new motion for sanctions. *Req. for Coercive and Punitive Sanctions Against the Almeida Pls. and their Att'y's for Violating the TRO* (ECF No. 515). In this Status Order, the Court does not address WM Capital's recently filed motion. The Court still considered it worthwhile for the benefit of the parties to clarify its understanding of the status of the underlying motion for permanent injunction.

wishes the Court to hold an evidentiary hearing, they must inform the Court no later than October 1, 2021.

The Court ORDERS WM Capital to file a reply by October 1, 2021 (subject to a motion to extend time to reply), to reply to the Almeida-Leóns' opposition to WM Capital's motion for permanent injunction. Upon the filing of WM Capital's reply, the Court will deem WM Capital's motion for permanent injunction ready for decision.

In its TRO dated September 15, 2021, the Court originally ordered the TRO to remain in effect until September 29, 2021. *TRO* at 3. The Court hereby EXTENDS the operation of the TRO from September 29, 2021 until further order of the Court.

The Court NOTES WM Capital's motion in compliance (ECF No. 512) attesting to its filing of an Informative Motion in the Court of First Instance presiding over Case Number KCD2009-0708 (the GMAC Court), and to its delivery of copies of the Temporary Restraining Order (ECF No. 510) and the Order on Motion for Temporary Restraining Order (ECF No. 509) to the Hon. Laura Lis López Roche, Chief (Administrative) Judge of the Court of First Instance, Superior Part of San Juan, the Hon. Sigfrido Steidel Figueroa, Administrative Director of the Puerto Rico Office of Court Administration, the Hon. Maite D. Oronoz Rodríguez, Chief Judge of the Puerto Rico Supreme Court, the Hon. Javier O. Sepúlveda Rodríguez, Secretary of the Puerto Rico Supreme Court, and the Puerto Rico Marshals Office for the Judicial Region of San Juan.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of September, 2021